

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN SENATE JUNE 7, 2006

AMENDED IN SENATE MAY 9, 2006

AMENDED IN ASSEMBLY JANUARY 11, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1679

Introduced by Assembly Member Mullin

February 22, 2005

An act to add Section 13200.1 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, as amended, Mullin. ~~Water: Devil's Slide bypass: Scott Creek watershed. California regional water quality control boards: Ano Nuevo hydrologic unit.~~

~~(1) Existing law provides that the Department of Transportation has full possession and control of state highways and associated property. Existing law governs the disposal of excess property not needed for highway purposes.~~

~~This bill would require the Department of Transportation to transfer certain property in San Mateo County originally acquired for the State Highway Route 1 "Devil's Slide" bypass to the Department of Parks and Recreation and would authorize that department to lease the property to the Montara Water and Sanitary District for the extraction of water and open-space purposes, as specified. The bill would make various legislative findings and declarations in that regard.~~

(2) Existing law, the Porter-Cologne Water Quality Control Act, provides for the regional administration of water quality laws and, for that purpose, divides the state into 9 regions with prescribed boundaries. The act establishes a California regional water quality board within each region whose activities are overseen by the State Water Resources Control Board.

This bill would subject the Ano Nuevo hydrologic unit to the jurisdiction of the San Francisco Bay Regional Board instead of the Central Coast Regional Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
2 ~~following:~~
3 ~~(1) Under Section 6512.7 of the Health and Safety Code, the~~
4 ~~Montara Sanitary District was conditionally authorized to~~
5 ~~exercise the powers of a county water district.~~
6 ~~(2) The Montara Sanitary District, subsequently renamed the~~
7 ~~Montara Water and Sanitary District, satisfied the conditions~~
8 ~~necessary to exercise the powers of a county water district,~~
9 ~~including the condition that the electors authorize the district to~~
10 ~~exercise those powers.~~
11 ~~(3) In 2003, the district acquired the privately owned water~~
12 ~~system that served the residents and businesses located within the~~
13 ~~district's boundaries with funds provided by a general obligation~~
14 ~~bond measure approved by more than 80 percent of the electors~~
15 ~~voting on the measure.~~
16 ~~(4) Sources of water within or available to the district are~~
17 ~~critically limited and the district has necessarily continued a~~
18 ~~moratorium on water service connections initially recommended~~
19 ~~in 1976 by the State Department of Health Services and~~
20 ~~thereafter imposed as an operating condition by the Public~~
21 ~~Utilities Commission upon the privately owned water system.~~
22 ~~(5) The Department of Transportation acquired property for~~
23 ~~the rerouting of a portion of State Highway Route 1 to bypass the~~
24 ~~area commonly known as the "Devil's Slide" area in San Mateo~~
25 ~~County.~~

1 ~~(6) Preliminary hydrological review indicates that the portion~~
2 ~~of the property that lies within the boundaries of the district may~~
3 ~~include one or more aquifers or access to one or more aquifers~~
4 ~~that would provide a significant source of water to the district.~~

5 ~~(7) Conveyance of the property described in paragraph (6)~~
6 ~~from the Department of Transportation to the Department of~~
7 ~~Parks and Recreation for conversion to state park purposes and~~
8 ~~thereafter transfer of the property to the district under lease, with~~
9 ~~usage limited to the extraction of water and open-space uses~~
10 ~~would advance the state purposes of addressing the serious~~
11 ~~scarcity of water in the state and the need to provide and~~
12 ~~maintain recreational and open-space land, consistent with the~~
13 ~~policies of the Department of Parks and Recreation.~~

14 ~~(b) The Department of Transportation shall declare that the~~
15 ~~property, located in the existing Martini Creek Devil's Slide~~
16 ~~bypass right-of-way for the realignment of Route 1 from the~~
17 ~~northern boundary of the town of Montara to the intersection of~~
18 ~~the right-of-way with Sunshine Valley Road located within the~~
19 ~~boundaries of the Montara Water and Sanitary District service~~
20 ~~area, is surplus state property, and shall provide for the sale and~~
21 ~~transfer of that property to the Department of Parks and~~
22 ~~Recreation for state park purposes, as provided under Section 9~~
23 ~~of Article XIX of the California Constitution.~~

24 ~~(c) (1) The sale of the property described in subdivision (b)~~
25 ~~shall not adversely impact any mitigation credits to which the~~
26 ~~Department of Transportation may be entitled.~~

27 ~~(2) Upon acceptance of title to the property described in~~
28 ~~subdivision (b), the Department of Parks and Recreation, on~~
29 ~~terms, standards and conditions it approves, may lease that~~
30 ~~property to the Montara Water and Sanitary District for water~~
31 ~~resource and open-space purposes.~~

32 ~~(3) If the Department of Parks and Recreation leases the~~
33 ~~property to the Montara Water and Sanitary District, the lease~~
34 ~~terms shall provide for the reimbursement of the Department of~~
35 ~~Parks and Recreation for the cost of acquiring the property and~~
36 ~~for any cost related to the planning required to integrate the~~
37 ~~property into the Montara State Beach.~~

38 ~~SEC. 2.~~

39 ~~SECTION 1. Section 13200.1 is added to the Water Code, to~~
40 ~~read:~~

- 1 13200.1. Notwithstanding Section 13200, the Ano Nuevo
- 2 hydrologic unit is subject to the jurisdiction of the San Francisco
- 3 Bay Regional Board and not the Central Coast Regional Board.

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